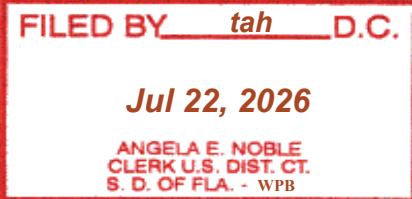


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 26-MC-23392-ALTONAGA
ADMINISTRATIVE ORDER 2026-62

IN RE: PETER BENJAMIN BERKMAN
FLORIDA BAR # 110330



ORDER OF SUSPENSION

Background. On May 13, 2026, the Supreme Court of Florida suspended Peter Benjamin Berkman from the practice of law. *See Fla. Bar v. Berkman*, No. SC2025-1941, 2026 WL 1330154, at *1 (Fla. May 13, 2026). On May 15, 2026, Mr. Berkman filed a Motion for Rehearing of the Florida Supreme Court’s Suspension Order. (*See* Resp. [ECF No. 3] 2).

On May 19, 2026, the Clerk of this Court entered an Order to Show Cause [ECF No. 2], providing Mr. Berkman 30 days to explain why reciprocal discipline should not be imposed. (*See id.* 1).¹ On June 23, 2026, Mr. Berkman filed a Response, contesting the imposition of reciprocal discipline on three grounds and alternatively requesting that the Court stay these reciprocal disciplinary proceedings pending resolution of his Motion for Rehearing in the Florida disciplinary proceedings. (*See generally* Resp.).

On June 29, 2026, the Florida Supreme Court entered an order denying Mr. Berkman’s Motion for Rehearing. *See Fla. Bar v. Berkman*, No. SC2025-1941, 2026 WL 1864140, at *1 (Fla. June 29, 2026).

Standard. Under Rule 8(e) of the Southern District of Florida Local Rules Governing the Admission, Practice, Peer Review, and Discipline of Attorneys (“Attorney Rules”), a final adjudication of misconduct in another court conclusively establishes the misconduct for purpose

¹ The Court uses the pagination generated by the electronic CM/ECF database, which appears in the headers of all court filings.

of a disciplinary proceeding in this Court — unless the attorney demonstrates, based on the face of the record from the other court, that

(1) the procedure in that other jurisdiction was so lacking in notice or opportunity to be heard as to constitute a deprivation of due process; or (2) there was such an infirmity of proof establishing misconduct as to give rise to the clear conviction that this Court could not, consistent with its duty, accept as final the conclusion on that subject; or (3) the imposition of the same discipline by this Court would result in grave injustice; or (4) the misconduct established is deemed by this Court to warrant substantially different discipline.

Id.

Discussion. The Court addresses each of Mr. Berkman’s arguments, which correspond to Attorney Rules 8(e)(1)–(3), in turn. The Court then addresses his alternative request for a stay.

Due Process. Mr. Berkman first asserts the Florida Supreme Court’s suspension procedure constituted a deprivation of due process, raising two points in support. First, Mr. Berkman notes the Florida Supreme Court’s Suspension Order did not contain any written opinion, statement of finding, or explanation that the applicable legal standard — Rule 3-5.3 of the Rules Regulating The Florida Bar (“Rule 3-5.3”), which sets forth grounds for the suspension of a member of The Florida Bar — had been met. (*See* Resp. 3). Second, Mr. Berkman argues that Rule 3-5.3 was applied retroactively, violating principles of fair notice and affecting his decision to waive his speedy trial rights. (*See id.*).

As to his due process argument, Mr. Berkman says nearly nothing about the relevant inquiry: the procedures afforded to him in the Florida proceedings before the entry of the Suspension Order. (*See id.* 3). While Mr. Berkman focuses on supposed deficiencies in the Florida Supreme Court’s Suspension Order itself, Mr. Berkman fails to address the process he received *before* he was suspended. (*See id.*); *see also, e.g., Hesed-El v. McCord*, No. cv-117-146, 2019 WL 1441624, at *6 (S.D. Ga. Mar. 29, 2019) (“Procedural due process generally requires

some type of notice and hearing before the state deprives a person of liberty.” (alterations adopted; quotation marks and citation omitted)); *Sammy’s of Mobile, Ltd. v. City of Mobile*, 928 F. Supp. 1116, 1123 (S.D. Ala. Mar. 6, 1996) (“Procedural due process refers to the requirement that an individual be given notice and an opportunity to be heard before any judicial, executive, or administrative action deprives him of a liberty or property interest.”).

The exhibits Mr. Berkman has filed together with his Response indicate he participated in process afforded to him ahead of the Florida Supreme Court’s suspension. The Florida Supreme Court issued an Order to Show Cause shortly after The Florida Bar petitioned to suspend Mr. Berkman, and Mr. Berkman responded. (*See* Resp. 28–32).

Whether viewed as a challenge to the constitutionality of Rule 3-5.3 or one about the waiver of his rights in the underlying criminal matter, Mr. Berkman’s retroactivity argument is not responsive to Attorney Rule 8(e)(1), which focuses on “the procedure in th[e] other jurisdiction[.]” Att’y Rule 8(e) (alterations added); (*see also* Resp. 3). Mr. Berkman’s citation to a Supreme Court case indicating that retroactivity is generally disfavored in the law fails to persuade that application of Rule 3-5.3 presents relevant retroactivity concerns, let alone that those concerns fall within the scope of the Court’s review under Attorney Rule 8(e)(1).

Infirmity of Proof. Next, Mr. Berkman argues there is a substantial infirmity of proof establishing his misconduct, as he has still not been convicted of anything. (*See* Resp. 3–4). But as he notes, the Florida Supreme Court ordered his interim suspension based on Rule 3-5.3. *See Berkman*, 2026 WL 1330154, at *1. Rule 3-5.3(a) authorizes the Florida Supreme Court to suspend a lawyer “*charge[d]* . . . with a felony by an indictment or information in state or federal court that reflects adversely on the lawyer’s fitness to practice law.” *Id.* (alterations and emphasis added). While Mr. Berkman attempts to dispute the merits of the underlying criminal action, he

does not argue that there was an infirmity of proof establishing what Rule 3-5.3(a) requires: the existence of felony charges. (*See* Resp. 3–4).

Grave Injustice. Mr. Berkman also contends grave injustice would result if reciprocal discipline is imposed because it would compound the negative effects the Florida Suspension Order has had on his law practice, clients, and reputation. (*See id.* 4). While the Court is mindful of the effects reciprocal suspension may have on Mr. Berkman’s practice, Mr. Berkman fails to raise any considerations beyond those normally present in attorney discipline cases or to otherwise explain why the injustice reciprocal discipline would impose upon him would be grave. (*See id.*).

Request for Stay. As an alternative to his request that the Court not impose reciprocal suspension, Mr. Berkman requests the Court stay this reciprocal discipline action until resolution of his Motion for Rehearing pending before the Florida Supreme Court. (*See id.*). Considering the Florida Supreme Court’s denial of Mr. Berkman’s Motion for Rehearing, his alternative request is moot. *See Westmoreland v. Nat’l Transp. Safety Bd.*, 833 F.2d 1461, 1462 (11th Cir. 1987) (requested relief becomes moot when it cannot be granted because of later events).

Conclusion. Attorney Rule 8(d) provides that after considering a response to an Order to Show Cause, “the Court may impose . . . identical discipline or may impose any other sanction the Court may deem appropriate.” *Id.* (alteration added). Under Attorney Rule 8(d) and the Court’s inherent authority to oversee membership in its bar and safeguard the public interest, *see Chambers v. NASCO, Inc.*, 501 U.S. 32, 43 (1991) (citation omitted), it is

ORDERED as follows:

1. Mr. Berkman is suspended from the practice of law in the U.S. District Court for the Southern District of Florida, effective immediately. He may not resume practice before this Court unless and until reinstated by court order. *See* Att’y R. 12(a).

CASE NO. 26-23392-MC-ALTONAGA

2. Within **14 days** of receipt of this Order, Mr. Berkman shall notify the Clerk of Court of any active cases in which he appears as counsel or co-counsel of record in this District.

3. The Clerk is directed to **STRIKE** Mr. Berkman from the roll of attorneys authorized to practice before this Court and to immediately revoke his CM/ECF credentials.

4. The Clerk shall promptly attempt service of this Order via certified mail to Mr. Berkman's court record address and any addresses on file with The Florida Bar.

DONE AND ORDERED in Miami, Florida, this 22nd day of July, 2026.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: All South Florida Eleventh Circuit Court of Appeals Judges
All Southern District of Florida District Judges, Bankruptcy Judges, and Magistrate Judges
United States Attorney
Circuit Executive
Federal Public Defender
Clerks of Court – District, Bankruptcy, and Eleventh Circuit
Florida Bar and National Lawyer Regulatory Data Bank
Library
Peter Benjamin Berkman